

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

SUPPLEMENT TO MOTION FOR SUMMARY JUDGMENT

Montgomery Housing Authority (“MHA”) supplements its Motion for Summary Judgment as follows:

1. MHA filed its Motion for Summary Judgment, along with supporting brief and evidentiary submissions, on March 29, 2006.

2. The Court's Order concerning the parties' summary judgment briefing schedule states that "plaintiff is DIRECTED to file a response to said motion on or before April 12, 2006," and that MHA could file a reply brief on or before April 21, 2006. See Order dated Mar. 30, 2006. This order further indicates that the moving party's evidence may be accepted as true if not contradicted by the opposing party. Id.

3. Additionally, the Scheduling Order entered in this case states, "The failure to file a response to any motion – either dispositive or non-dispositive – within the time allowed by the court shall indicate that there is no opposition to the motion." See Uniform Scheduling Order dated May 25, 2005, at § 5.

4. Plaintiff has not opposed MHA's Motion for Summary Judgment and has not filed any evidence to contradict the undisputed facts shown by the evidence submitted by MHA in support of its Motion for Summary Judgment.

5. The brief and evidentiary submissions filed by MHA show that MHA terminated Plaintiff for a failure to perform her job; that Plaintiff cannot establish a *prima facie* case of discrimination; and that Plaintiff cannot demonstrate that MHA's stated reason for terminating her is pretextual.

ACCORDINGLY, MHA further moves this Court to enter summary judgment in its favor on all of Plaintiff's claims against it.

Respectfully submitted,

s/ Angela R. Rogers

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CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Norman Hurst, Jr., Esq.
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and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: not applicable.

s/ Angela R. Rogers
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